

July 15, 2020

Mr. John Canoles
Eco-Science Professionals, Inc.
P O Box 5006
Glen Arm, Maryland 21057

Re: Tradepoint Atlantic – Project Raven
Forest Conservation Variance
Tracking # 07-20-3253

Dear Mr. Canoles:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) on June 8, 2020, and additional information received on July 10, 2020. This request proposes to remove seventeen specimen trees for the development of a manufacturing and shipping facility and associated infrastructure. The area proposed for construction is part of a much larger development site, and was previously the location of the Bethlehem Steel headquarters building. The specimen trees are not in a forest but were part of the landscaping and lawn around the headquarters. Two the specimen trees proposed for removal are in poor condition; the remainder to be removed are in fair to good condition.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. A reasonable return could be obtained with a less intense alternative development proposal and thus would not deprive the petitioner of beneficial use of his property. Therefore, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The site is the former Bethlehem Steel property and has been in industrial use for many years. This area around the old headquarters building is unusual in that most of the larger property does not contain specimen trees. The seventeen specimen trees will be removed because their location in conjunction with the site configuration presents difficulties in redeveloping the site. Therefore the circumstances here are unique and not related to the conditions of the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. Tradepoint Atlantic is developed with similar manufacturing and industrial facilities. The proposal to remove seventeen specimen trees as part of the proposed development of the site will not change the character of the neighborhood. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. The new construction will meet all sediment and erosion control requirements during construction, and stormwater management will be provided. Therefore, we find that granting of the special variance will not adversely affect water quality, and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not removed the specimen trees or started construction. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. The proposal is to allow the development of an industrial use building and associated stormwater management. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the variance request is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code contingent with the following condition:

Add the following note to all plans for this project: “A Forest Conservation Special Variance was approved by the Baltimore County Department of Environmental Protection and Sustainability to allow the removal of seventeen

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specimen trees. Purchase of forest conservation bank credit in a County approved bank shall address the mitigation requirement.”

It is the intent of this Department to approve this variance subject to the above condition. Any changes to site layout may require submittal of revised plans and an amended variance request.

If you have any questions regarding this correspondence, please call Ms. Regina Esslinger at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

c: Marian Honeczy

Enclosure

DVL/rae